

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA  
Plaintiff,

v

Luis Santana Mendoza (01)  
Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Cr. No. 98-295 (JAF)

\*\*\*\*\*

**MOTION FOR SOME REMEDY**

TO THE HONORABLE JOSE A. FUSTE, CHIEF  
UNITED STATES DISTRICT JUDGE  
FOR THE DISTRICT OF PUERTO RICO

COMES NOW, Evelyn Jiménez González, U.S. Probation Officer Assistant of this  
Court, respectfully informing and praying that:

1. On May 16, 2000, defendant was sentenced to an imprisonment term of twelve  
(12) months as to each count to be served concurrently with each other. A supervised  
release term of three (3) years was also imposed. Voluntary surrender was granted.

2. On September 18, 2002, a Judgment of US Courts of Appeal affirming judgment  
order was issued in opposition to Mr. Santana's petition.

3. On December 14, 2005, Senior Circuit Judge P. Kravitch, issued an order  
denying motion to recall mandate. A copy of the aforementioned order was not received  
by our office.

4. Upon subsequent follow-up, Mr. Santana was informed that he would have to  
begin to serve his 12 month sentence. Defendant indicated his attorney did not advise of

2

of the court's final decision. Mr. Santana indicated that during the appeal process in one occasion he contacted the USM for designation proceedings, but he was informed that they will contact him later upon conclusion of appeal proceedings.

5. Subsequently, defendant had to be hospitalized at San Juan Capestrano Hospital, Humacao, P.R., as a result of a nervous break-down crisis. Mr. Santana is a psychiatric patient who has been under medical treatment since the year 2002 to the present based on a diagnosis of major depression, paranoia, and insomnia.

6. On June 19, 2008, Mr. Santana was released from the psychiatric institution, after a nine-day stay and he is presently participating in an out-patient mental health treatment.

7. During the time elapsed, the defendant has always complied with his supervision conditions, no new arrests have been reported, he has been self-employed as an independent contractor, and he had complied with the filing of local taxes since the year 1998 to the present.

WHEREFORE, in view of the above-mentioned circumstances, we respectfully request the defendant be afford 60 additional days to begin serve his sentence or any other remedy deemed appropriate by this Honorable Court.

In Hato Rey, Puerto Rico, this 13<sup>th</sup> day of August 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, Chief  
U.S. Probation Officer

**s/ Evelyn Jiménez González**

3

Evelyn Jiménez González, U.S. Probation Officer Assistant  
United States Probation/Pretrial Services Division  
Federico Degetau Federal Office Building  
150 Carlos Chardón Avenue, Rm. 691  
Hato Rey, P.R. 00918-1724  
Telephone: (787) 281-1535  
Fax: (787) 766-5651  
E-mail: evelyn\_jiménez@prp.uscourts.gov

I HEREBY CERTIFY that today, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following: Assistant U.S. Attorney Desiree Laborde-Sanfiorenzo, and Luis Rivera-Rodriguez, Esq. In Hato Rey, Puerto Rico, (August 13<sup>th</sup>, 2008).

s/Evelyn Jiménez González

s/Evelyn Jiménez González  
U.S. Probation Officer Assistant